

Exhibit “3”

Exhibit “A”

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 048-341077-23

RICHARD SMITH
VS.
GARY CLEVELAND, ET AL

5/16/23
5:45pm
LVA

TO: CLEVELAND HELICOPTER SERVICES LLC

S/S REG AOT GARY J CLEVELAND 1805 HOPE BLVD PLYMOUTH, IN 46363-1202

You said ~~defendants~~ are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 28 days after the date of service hereof before the 48th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas, said PLAINTIFF being

RICHARD SMITH

Filed in said Court on March 21st, 2023 Against
GARY CLEVELAND, CLEVELAND HELICOPTER SERVICES LLC

For suit, said suit being numbered 048-341077-23 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

JESSICA BERAWI

Attorney for RICHARD SMITH Phone No. (713)322-4878

Address 440 LOUISIANA ST STE 1400 HOUSTON, TX 77002

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 22nd day of March, 2023.

by Amanda P. Pinner
AMANDA PINNER



NOTICE: You have been sued. You may be going to court. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make child disclosures to the other parties to this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *04834107723000007*

Received this Citation on the _____ day of _____ at _____ o'clock _____ M, and executed at _____ within the county of _____ State of _____ at _____ o'clock _____ M on the _____ day of _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____ Deputy

Fees \$ _____

State of _____ County of _____ (Must be verified if served outside the State of Texas)

signed and sworn to by the said _____ before me this _____ day of _____

to certify which witness my hand and seal of office

(Seal)

County of _____ State of _____

CITATION

Cause No. 048-341077-23

RICHARD SMITH

VS.

GARY CLEVELAND, ET AL

ISSUED

This 22nd day of March, 2023

Thomas A. Wilder

Tarrant County District Clerk

100 N CALHOUN

FORT WORTH TX 76196-0402

By **AMANDA PRISTERER** Deputy

JESSICA BEBAWI

Attorney for: **RICHARD SMITH**

Phone No. (713)322-4878

ADDRESS: 440 LOUISIANA ST STE 1400

HOUSTON, TX 77002

CIVIL LAW



14824107723000007*

SERVICE FEES NOT COLLECTED

TARRANT COUNTY DISTRICT CLERK

RECEIVED



A CERTIFIED COPY
ATTEST: 03/28/2023
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
By: Amanda Pristerer

CAUSE NO. 048-341077-23**RICHARD SMITH***Plaintiff,*

v.

**GARY CLEVELAND AND
CLEVELAND HELICOPTER
SERVICES, LLC***Defendants.*§
§
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§
§
§**IN THE DISTRICT COURT OF****TARRANT COUNTY, TEXAS****____ JUDICIAL DISTRICT****PLAINTIFF'S ORIGINAL PETITION**

Plaintiff, Richard Smith (hereinafter, "Plaintiff"), complains of Defendants, Gary Cleveland and Cleveland Helicopter Services, LLC (hereinafter, collectively, "Defendants"), and would respectfully show the Court that:

DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

JURISDICTION AND VENUE

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because all or a substantial part of the events or omissions giving rise to the claim occurred in Tarrant County, Texas.

STATEMENT REGARDING MONETARY RELIEF SOUGHT

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00, but no more than \$1,000,000.00, excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief, if necessary.

PARTIES

4. Plaintiff, Richard Smith, is an individual residing in Tarrant County, Texas.
5. Defendant, Gary Cleveland (hereinafter, "Defendant Cleveland"), is an individual residing in Marshall County, Indiana. Defendant may be served with process at his residence at 1805 Hope Boulevard, Plymouth, Indiana, or wherever found.
6. Defendant, Cleveland Helicopter Services, LLC (hereinafter, "Defendant CHS"), is a domestic entity formed in Indiana and doing business in Tarrant County, Texas. Defendant CHS may be served with process through its registered agent, Gary J. Cleveland, at 1805 Hope Boulevard, Plymouth, Indiana 46563-1202, or wherever found.

FACTS

7. This lawsuit is necessary as a result of personal injuries Plaintiff suffered on or about December 14, 2021. At that time, Plaintiff was receiving instruction from Defendant Cleveland on piloting the Plaintiff's helicopter. Defendant Cleveland took over the controls and performed a hovering autorotation landing. As a result, the helicopter impacted the terrain upright. This landing subsequently caused substantial damage to the Plaintiff's helicopter and injury to his person. Defendant Cleveland was acting as an instructor on behalf of Defendant CHS. As a result of Defendants' negligence and/or negligence *per se*, Plaintiff suffered extensive and permanent injuries.
8. Defendant Cleveland's aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons:
 - a. Failure to timely employ a remedial action or maneuver;
 - b. Failure to effectively control the helicopter;
 - c. Failure to operate the helicopter safely;
 - d. Failing to maneuver the helicopter in an effort to avoid impact or ground collision;

- e. Failing to maintain a safe distance;
 - f. Failing to make a proper lane change;
 - g. Violating applicable, local, state, and federal laws and/or regulations; and
 - h. Other acts so deemed negligent.
10. As a result of these acts or omissions, Plaintiff claims all damages recognizable by law.

DAMAGES

11. By virtue of the actions and conduct of the Defendants set forth above, Plaintiff is seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
 - b. Past and future pain, suffering and mental anguish;
 - c. Past and future physical impairment;
 - d. Past and future physical disfigurement;
 - e. Lost or damaged property;
 - f. Loss of use of vehicle; and
 - g. Past lost wages and future loss of earning capacity.
12. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre- and post-judgment interest.

DUTY TO DISCLOSE

13. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendants must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

INITIAL DISCLOSURES

14. Pursuant to Rule 194, Tex. R. Civ. P., Defendants must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in

Defendants' initial disclosures at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendants' responses.

RULE 193.7 NOTICE

15. Plaintiff hereby gives actual notice to Defendants that any and all documents produced may be used against Defendants at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

PRAYER

Plaintiff prays that these citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severally, in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and further relief, to which he may be justly entitled.

Respectfully submitted,

DASPIT LAW FIRM, PLLC

/s/ Jessica Bebawi

Jessica Bebawi

Texas State Bar No. 24108867

1200 Summit Avenue, Suite 504

Fort Worth, Texas 76102

Telephone: (713) 322-4878

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

bebawi@daspitlaw.com

ATTORNEY FOR PLAINTIFF

Automated Certificate of Service

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Taylor McElmoyl on behalf of John Daspit
 Bar No. 24048906
 tmcelmoyl@daspitlaw.com
 Envelope ID: 73855448
 Filing Code Description: Petition
 Filing Description: PLAINTIFFS ORIGINAL PETITION
 Status as of 3/21/2023 12:21 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jalme Holder		jholder@proactivelegal.com	3/21/2023 11:56:46 AM	SENT
Alma Lira		Alira@proactivelegal.com	3/21/2023 11:56:46 AM	SENT
April Patterson		apatterson@proactivelegal.com	3/21/2023 11:56:46 AM	SENT
Jessica Bebawi		bebawi@daspitlaw.com	3/21/2023 11:56:46 AM	SENT
Taylor McElmoyl		tmcelmoyl@daspitlaw.com	3/21/2023 11:56:46 AM	SENT
DLF Intake		intake@daspitlaw.com	3/21/2023 11:56:46 AM	SENT
DLF Eservice		dlf-eservice@daspitlaw.com	3/21/2023 11:56:46 AM	SENT
John Daspit		e-service@daspitlaw.com	3/21/2023 11:56:46 AM	SENT

Exhibit “B”

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 048-341077-23

RICHARD SMITH
VS.
GARY CLEVELAND, ET AL

FILED
TARRANT COUNTY
5/22/2023 12:12 PM
THOMAS A. WILDER
DISTRICT CLERK

TO: CLEVELAND HELICOPTER SERVICES LLC

B/S REG AGT-GARY J CLEVELAND 1805 HOPE BLVD PLYMOUTH, IN 46563-1202

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 48th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

RICHARD SMITH

Filed in said Court on March 21st, 2023 Against
GARY CLEVELAND, CLEVELAND HELICOPTER SERVICES LLC

For suit, said suit being numbered 048-341077-23 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

JESSICA BEBAWI

Attorney for RICHARD SMITH Phone No. (713)322-4878

Address 440 LOUISIANA ST STE 1400 HOUSTON, TX 77002

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 22nd day of March, 2023.

By

Amanda Pfisterer
AMANDA PFISTERER



A CERTIFIED COPY
ATTEST: 03/22/2023
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: /s/ Amanda Pfisterer

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *04834107723000007*

Received this Citation on the 15th day of May, 2023 at 3:00 o'clock P.M.; and executed at 1805 Hope Blvd, Plymouth, IN within the county of Marshall, State of Indiana at 5:45 o'clock P.M. on the 15th day of May, 2023 by delivering to the within named (Def.): Cleveland Helicopter Service LLC defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: James Leeklider

County of All (St. Joseph) State of Indiana By James Leeklider

Process Service
Deputy

Fees \$ 2016 Louise Lane, South Bend, IN 46614

State of Indiana County of St. Joseph

(Must be verified if served outside the State of Texas)

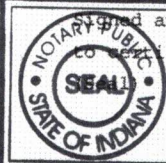
Signed and sworn to by the said James Leeklider

before me this 17 day of May, 23

Notary Public, I press my hand and seal of office

KATHY NITZ
Notary Public
Within and for the county of St. Joseph
and the state of Indiana
Commission Number NP0727817
My Commission Expires 07/19/2028

County of St. Joseph, State of IN



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 75862099

Filing Code Description: No Fee Documents

Filing Description: Return of Service

Status as of 5/22/2023 12:16 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jaime Holder		jholder@proactivelegal.com	5/22/2023 12:12:49 PM	SENT
Jessica Bebawi		bebawi@dasplitlaw.com	5/22/2023 12:12:49 PM	SENT
John Dasplit		e-service@dasplitlaw.com	5/22/2023 12:12:49 PM	SENT
DLF Eservice		dlf-eservice@dasplitlaw.com	5/22/2023 12:12:49 PM	SENT
Taylor McElmoyl		tmcelmoyl@dasplitlaw.com	5/22/2023 12:12:49 PM	SENT
April Patterson		apatterson@proactivelegal.com	5/22/2023 12:12:49 PM	SENT
DLF Intake		intake@dasplitlaw.com	5/22/2023 12:12:49 PM	SENT

Exhibit “C”

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 048-341077-23

RICHARD SMITH
VS.
GARY CLEVELAND, ET AL

FILED
TARRANT COUNTY
5/22/2023 12:12 PM
THOMAS A. WILDER
DISTRICT CLERK

TO: GARY CLEVELAND

1805 HOPE BLVD PLYMOUTH, IN-

You said DEFENDANTS are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 48th District Court, 100 N CALHOUN, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

RICHARD SMITH

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For suit, said suit being numbered 048-341077-23 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

JESSICA BEBAWI

Attorney for RICHARD SMITH Phone No. (713)322-4878

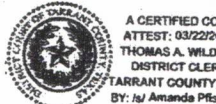
Address 440 LOUISIANA ST STE 1400 HOUSTON, TX 77002

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the 22nd day of March, 2023.

By

Amanda Pfeisterer

AMANDA PFEISTERER



NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Thomas A. Wilder, Tarrant County District Clerk, 100 N CALHOUN, FORT WORTH TX 76196-0402

OFFICER'S RETURN *04834107723000006*

Received this Citation on the 15 day of May, 2023 at 5:45 o'clock P.M.; and executed at 1805 Hope Blvd, Plymouth, IN within the county of Marshall, State of Indiana at 5:45 o'clock P.M. on the 16 day of May, 2023 by delivering to the within named (Def.): GARY CLEVELAND defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: James Leckider

County of St. Joseph

State of Indiana

By [Signature]

PROCESS
Deputy SEAR

Fees \$

State of Indiana County of St. Joseph

(Must be verified if served outside the State of Texas)

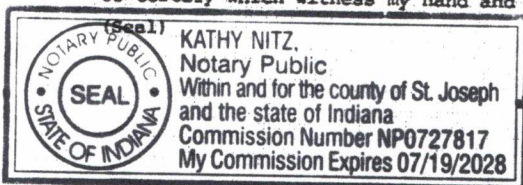
Signed and sworn to by the said James Leckider

before me this 17 day of May, 23

to certify which witness my hand and seal of office

County of St. Joseph

State of IN



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 75862099

Filing Code Description: No Fee Documents

Filing Description: Return of Service

Status as of 5/22/2023 12:16 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
DLF Intake		intake@dasplitlaw.com	5/22/2023 12:12:49 PM	SENT
Jaime Holder		jholder@proactivelegal.com	5/22/2023 12:12:49 PM	SENT
Jessica Bebawi		bebawi@dasplitlaw.com	5/22/2023 12:12:49 PM	SENT
John Dasplit		e-service@dasplitlaw.com	5/22/2023 12:12:49 PM	SENT
DLF Eservice		dlf-eservice@dasplitlaw.com	5/22/2023 12:12:49 PM	SENT
Taylor McElmoyl		tmcelmoyl@dasplitlaw.com	5/22/2023 12:12:49 PM	SENT
April Patterson		apatterson@proactivelegal.com	5/22/2023 12:12:49 PM	SENT